

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEW MEXICO

2014 NOV 13 PM 4:13

CLERK-LAS CRUCES  
*[Signature]*

CHANDLER BARR,

Plaintiff,

v.

CIV 12-1109 GBW/RHS

LEAH KELLY, *et al.*

Defendants.

**Redacted**  
SPECIAL VERDICT FORM

On the questions submitted, the jury finds as follows:

COUNT I: EXCESSIVE FORCE

**Question No. 1:** Do you find that Defendant Kelly used excessive force against Plaintiff?

Yes \_\_\_\_\_ No \_\_\_\_\_

COUNT II: BATTERY

**Question No. 2:** Do you find that Defendant Kelly committed battery against Plaintiff in violation of New Mexico state law?

Yes \_\_\_\_\_ No \_\_\_\_\_

**NOTE:** If your answers in Questions 1 and 2 are both "No", you are not to answer any more questions. Your foreperson must sign this Special Verdict Form on the last page and inform the Court Security Officer that the jury has completed its deliberations. This is your verdict and you will all return to open Court.

If you answered "Yes" in either Question 1 or Question 2 (or both), proceed to Question 3.

**DAMAGES**

**Question No. 3:** Defendants and Plaintiff have stipulated that Plaintiff has suffered \$340,195.30 in compensatory damages for reasonable expenses for medical care, treatment, and services received. Do you find that Plaintiff suffered compensatory damages above and beyond \$340,195.30 with respect to any of the above claims for which you found in Plaintiff's favor?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, the total amount of compensatory damages (the stipulated damages of \$340,195.30 plus the amount of any additional compensatory damages suffered by Plaintiff) is \$ \_\_\_\_\_

*If you answered "No" to Question 1, you are not to answer any more questions. Your foreperson must sign this Special Verdict Form on the last page and inform the Court Security Officer that the jury has completed its deliberations. This is your verdict and you will all return to open Court.*

*ONLY IF you answered "Yes" to Question 1 are you to answer Question 4.*

**Question No. 4:** Do you find, by a preponderance of the evidence, that Officer Kelly's conduct that caused injury or damage to Plaintiff was maliciously, or wantonly, or oppressively done?

Yes \_\_\_\_\_ No \_\_\_\_\_

*If you answered "Yes" in Question 4, proceed to Question 5.*

*If you answered "No" in Question 4, you are not to answer any more questions. Your foreperson must sign this Special Verdict Form on the last page and inform the Court Security Officer that the jury has completed its deliberations. This is your verdict and you will all return to open Court.*

**Question No. 5:** In your discretion, are punitive damages appropriate for Defendant Kelly in this case?

Yes \_\_\_\_\_ No \_\_\_\_\_

*If you answered "Yes" in Question 5, answer Question 6.*

*If you answered "No" in Question 5, you are not to answer any more questions. Your foreperson must sign this Special Verdict Form on the last page and inform the Court Security Officer that the jury has completed its deliberations. This is your verdict and you will all return to open Court.*

**Question No. 6:** In accordance with the punitive damage instructions given by the Court, we find the total amount of punitive damages that should be awarded against Defendant Kelly to be:

\$ \_\_\_\_\_

The answers herein constitute the jury's unanimous verdict.



Foreperson

Oct. 31, 2014

Date